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FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 8561
INFO RUEHPNH/NVC PORTSMOUTH 0278
RUEHAE/AMEMBASSY ASMARA 4936
RUEHDS/AMEMBASSY ADDIS ABABA 9213
RUEHLGB/AMEMBASSY KIGALI 4764
RUEHKE/AMEMBASSY KINSHASA 1855

UNCLAS NAIROBI 001389

SIPDIS

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DEPT FOR AF/CA
DEPT FOR CA/FPP
PASS TO KCC
PASS TO INL/HSTC
POSTS FOR FRAUD PREVENTION MANAGERS

E.O. 12958: N/A

TAGS: [KFRD](#) [CVIS](#) [CPAS](#) [CMGT](#) [ASEC](#) [KCRM](#) [KE](#)

SUBJECT: QUARTERLY FRAUD SUMMARY - NAIROBI (CORRECTED COPY)

REF: A. 06 Nairobi 3733 B. 06 NAIROBI 2782, C. 06 NAIROBI 2509, D.

06 NAIROBI 1650, E. 06 NAIROBI 817, F. 06 NAIROBI 740, G. 05 STATE
205073, H. 05 NAIROBI 4523, I. 05 NAIROBI 3627

1. (U) Summary. The following report replies to Ref G reinstitution of the quarterly fraud report covering the current condition of consular fraud in Kenya, with specific reference to fraud trends in non-immigrant visa, immigrant visa, and diversity visa applications as well as cases of American Citizen Services, adoption, and passport fraud. Other areas covered include cooperation with the host government, and areas of particular concern. The review concludes with an overview of FPU staffing and training. End Summary.

COUNTRY CONDITIONS

2. (SBU) Post's fraud environment remains complicated. Post continues to implement anti-fraud measures to combat NIV, IV and DV fraud. Relatively large appointment backlogs and ongoing short staffing mean that Nairobi continues to look for efficient means of fraud prevention.

3. (SBU) Brokers: Post believes that current wait times for NIV appointments result from brokers who are booking large numbers of appointment slots as placeholders and selling them to prospective applicants. Nairobi is experiencing an average "no-show" rate of roughly 40 percent and we have heard that various booking agents and cyber cafes are charging between \$7 and \$30 for appointments that are offered free on the Embassy website. Brokers cancel appointments that they have set and then capture the newly opened appointment slot, filling it in with the buyer's information. Post is working to change the way appointments are cancelled to combat this issue, and in the time being is scrutinizing online appointment data.

NIV FRAUD - STUDENT VISA FRAUD, GROUP FRAUD, AND IMPOSTORS

4. (SBU) Students: CCD text searches of sponsor names continues to allow Nairobi to routinely catch F1 student applicants using recycled bank statements that have been presented by other applicants, claiming the sponsors as their own aunts and uncles. The number of fraudulent high school certificates presented by applicants has dropped somewhat, due largely to the lack of student visa applicants.

¶5. (SBU) Fictitious NGO: Thanks to a poison pen, Post uncovered a fraud ring that had created a fictitious NGO, the "International Centre for Environmental Social and Policy Studies." CCD Text Searches revealed 5 issuances since late 2006 to applicants who, in retrospect, had been well coached in their cover stories as NGO workers. This combined with invitations to real conferences in the U.S. allowed the applicants to dupe adjudicating officers. The cost of this "service" is approximately \$1,000 per applicant according to the poison pen. Attempts to contact the applicants and the supposed NGO have resulted in dead ends.

¶6. (SBU) Numerous poison pens regarding a Kenyan alien smuggler led Post to deny a large group of applicants ostensibly traveling for tae kwon do competitions. The poison pen indicated that the leader charged \$6,000 per applicant to present applicants as members of the traveling sports groups. The poison pen further explains that the applicant collects all passports of persons that he smuggles in an attempt to thwart any attempts by Embassies to verify return of the applicants.

¶7. (U) Altered Biometrics: In the past quarter Nairobi has apprehended two NIV applicants who changed their biometric information, then fraudulently obtained genuine Kenyan passports to hide previous overstays or inadmissibilities. The first applicant was caught by an FR hit which revealed a facial match for differing names and DOBs (James Githui MWAURA, 16-MAY-1945 and James Gachuhi MWAURA DOB: xx-xxx-1947). The second applicant changed his name enough to obfuscate his identity but did not change his DOB which led the adjudicating officer to search for a record of the "near hit" refusal. A CCD comparison of the two cases revealed the same person.

IV FRAUD - SOMALIS MARRYING SIBLINGS

¶8. (U) IV relationship fraud remains high, particularly in K1, K3, and IR1 petitions. Post has become much more liberal in its requests for DNA testing to exclude sibling relationships, particularly among cases involving Somali applicants given the general lack of any relationship evidence in this applicant group. As a result, in the past quarter Nairobi has confirmed four separate cases in which DNA confirmed a sibling relationship for applicants claiming to have be spouses. In one case the applicant and petitioner, after being told that DNA confirmed they were siblings, locked lips in an effort to convince the adjudicator that the DNA tests were incorrect. The adjudicator was not swayed.

¶9. (U) Nairobi has experienced a large growth in Ethiopian and Eritrean K1 and K3 applicants. Post is very suspect of applicants' claims of residence in Kenya, as most of them claim to be studying in Kenya and all produce a school ID from the same "school." Post maintains its previous concerns that these cases appear to be more along the lines of business transactions between petitioners and applicant families in the U.S; however, Nairobi has not been successful in providing sufficient proof that would allow DHS to affirm our recommendations for revocation. Sudanese refugees resident in Kenyan and Ugandan camps also continue to commit fraud. Sudanese IV applicants produce poorly-executed altered photos and fraudulent documents with great regularity.

¶10. (SBU) Recent detailed poison pen information, confirmed by FPU, reveal that an Amcit petitioner had petitioned for his daughter as his wife. Worse yet, the poison pen indicates that the long-absent father returned 20 years later from the U.S. to find his wife had passed away. He then had a child with his daughter, which is confirmed by ACS records.

DV FRAUD - GHOST MARRIAGES CONTINUE

¶11. (SBU) As the 2007 DV season wears on, Nairobi has again noticed many commonalities between ghost marriages from western Kenya, particularly from the Kisii tribe. Post notes that, despite the length of relationship claimed by applicants and their add-on spouses, the tangible relationship proof is usually generated in a

very short period of time. Our concerns are backed up by several poison pens detailing the process. In two cases, the adjudicator noticed that both Kisii couples featured in casual relationship photos in each others' cases, though the applicants claimed not to know each other. Desperate "pop-up" applicants have begun to resort to very graphic photos in an effort to prove long term relationships as well.

¶12. (SBU) In other "pop-up" or ghost marriages, Nairobi has received a fair number of photo-substituted relationship pictures in the past quarter. These are usually produced by members of the Kikuyu tribe. In a recent case, both applicant and spouse were listed on the original electronic DV submission; however, a poison pen revealed that the principal applicant and spouse were brother and sister-in-law, and the family planned to send them to the U.S, have them divorce, and then petition for their true spouses. The poison pen in this case came from one of the spouses that would have been left behind in Kenya.

ACS and PASSPORT FRAUD - BECOME AN AMERICAN FOR \$4,500

¶13. (SBU) CBP officials shared information with Post through an I-275 turnaround report regarding a Kenyan national who stated her true identity was Mary MUTHONI, DOB 08-JUN-1965; however, she attempted to reenter at the Boston port of entry in December 2006 on U.S. Passport 142102512 as Puerto Rican-born Maria Del Carmen Ruiz Catalan, DOB 31-OCT-1964. Mary appears to have been out of status in the U.S since her initial arrival in 2000, when she entered as a "look-alike" on someone else's U.S. Passport. Passport 142102512 used in the December entry was fraudulently obtained. According to the applicant she paid \$4,500 to a person working at a picture studio in Boston who gave her a social security card and a birth certificate in her new identity. Mary then fraudulently obtained a genuine identification card from the State of Maine, and finally fraudulently procured a genuine U.S. passport. The applicant's PIERS record remains in the system. Post's review of CCD and NIV records indicates no applicant with this biometric information was interviewed for a visa.

¶14. (SBU) Post recently worked on the repatriation of an Amcit and his children who had fled from Somalia due to recent fighting in the country. In the course of the family's flight from Mogadishu to Kenya, the mother died somewhere in southern Somalia, as witnessed by her 5 year old daughter. Neither her body nor her passport were recovered. In March, her passport resurfaced in the hands of a very high quality "look alike" impostor who was apprehended by airline authorities in Dubai. AmEmbassy Dubai is in the process of recovering the passport from law enforcement authorities who are prosecuting her.

ADOPTION

¶15. (U) Nairobi has not encountered significant fraud related to adoptions in this quarter.

ASSISTING USCIS

¶16. (U) Post's fraud unit continues to act as a resource for domestic USCIS investigators verifying documents for Kenyans attempting to change status in the U.S. The majority of document verification requests continue to involve fraudulent divorce decrees. Nairobi notes with concern that documents "certified" by the Kenyan Ministry of Foreign Affairs (MFA), office of State Counsel, Legal Division often turn out to be fraudulent. Post has taken the issue up with MFA but received no response.

HOST GOVERNMENT CONTINUES TO BE COOPERATIVE

¶17. (U) Nairobi continues to receive excellent cooperation in fraud prevention from Kenyan Immigration.

AREAS OF CONCERN

¶18. (U) Post believes that Kenyan ports will continue to be a transit point for third-country nationals attempting to travel on fraudulent documents. Nairobi also believes that, following recent fighting in Somalia, potentially malevolent applicants may attempt to apply for visas in Nairobi. Such persons may have significant resources and may attempt to commit identity fraud in their attempts to procure a visa. As such, following the recent OIG's recommendation, Post is strongly considering the purchase of a powerful anti-fraud tool: the Foster and Freeman VSC4Plus with Document Imaging Software Suite, at an installed cost of roughly \$33,000. We believe the VSC4Plus would greatly enhance Post's anti-fraud posture and would enable us to expand on our anti-fraud cooperation with host-government authorities.

STAFFING AND TRAINING

¶19. (U) The FPU unit includes one full-time FSN, Francis Marawoshe, who is currently undergoing FSI training, and three back-up FSNs with collateral duties. Due to unexpected short staffing among the officers, Post's fraud prevention efforts at the officer level have been diminished. The current Fraud Prevention Manager with collateral duties is Etienne LeBailly, who received FPM training in December 2005. Post also has an A/RSO-I with collateral duties.

RANNEBERGER